

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CORETTA RODDEY,	:	
	:	
Plaintiff,	:	
	:	22-CV-7405 (VSB)
-against-	:	
	:	<u>ORDER</u>
KPMG, LLP, SABRINA DONNELLY, in her	:	
individual and official capacities,	:	
JONATHAN EDGERTON in his individual	:	
and official capacities, JULIE MOLITOR, in	:	
her individual and official capacities,	:	
JONATHAN WYATT, in his individual and	:	
official capacities, YVONNE GARCIA, in her	:	
individual and official capacities, TIMOTHY	:	
PHELPS, in his individual and official	:	
capacities, and ALLISON SUMROW, in her	:	
individual and official capacities,	:	
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

On December 6, 2022, Plaintiff filed an amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). “[W]hen a plaintiff properly amends [a] complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluating the motion in light of the facts alleged in the amended complaint.” *Pettaway v. Nat’l Recovery Sols., LLC*, 955 F.3d 299, 303–04 (2d Cir. 2020). Accordingly, it is hereby:

ORDERED that Defendants shall file a letter by December 14, 2022 stating if their motion to dismiss should be deemed moot without prejudice to refile a new motion to dismiss in accordance with Federal Rule of Civil Procedure 15(a)(3), or if I should evaluate Defendants’

current motion to dismiss given the facts alleged in the amended complaint.

SO ORDERED.

Dated: December 7, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first name "Vernon" is written in a larger, more prominent script, and "Broderick" follows in a similar but slightly smaller script. The signature is written over a horizontal line.

Vernon S. Broderick
United States District Judge